

AMENDED IN ASSEMBLY JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

SENATE BILL

No. 82

Introduced by Senator Hancock

January 20, 2009

An act to amend Section 76360 of, to amend and renumber Section 76361.1 of, and to repeal Section 76361 of, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 82, as amended, Hancock. Community colleges: parking and transportation fees.

(1) Existing law establishes the California Community Colleges, administered by the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in the state. Existing law establishes community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law authorizes the governing board of a community college district to require students and employees of the district who use parking services to pay a parking services fee, in an amount not exceeding \$40 per semester and \$20 per intersession, and requires that the fee not exceed the actual cost of providing parking services. Existing law requires that these fees not exceed \$30 per semester and \$10 per intersession for students who rideshare or carpool. Existing law authorizes a governing board to require payment of a parking fee in

excess of these limits for the purpose of funding construction of on-campus parking facilities under certain conditions.

This bill would increase the limits on the parking services fee to \$50 per semester and \$25 per intersession, and \$35 per semester and \$15 per intersession for students who rideshare or carpool. The bill would authorize the governing board of a community college district to increase these fees based on a specified calculation.

(2) Existing law authorizes the governing board of a community college district to require students and employees at a campus of the district to pay a fee for the transportation costs incurred by the district or the costs of reducing fares for services provided by common carriers or municipally owned transit systems to students and employees. Existing law limits the amount of that fee to an amount that does not exceed \$60 per semester and \$30 per intersession when combined with the parking services fee.

This bill would increase the combined limit of the transportation fee and the parking services fee to \$70 per semester or \$35 per intersession. The bill would authorize the governing board of a community college district to increase these fees based on a specified calculation.

(3) Existing law prohibits the governing board of a community college district from entering into, or extending, a contract for transportation services provided by a common carrier or a municipally owned transit system funded by the proceeds of a transportation fee, unless a majority of the students of the district voting in a specified election approve the payment of the fee for that purpose.

The bill would repeal the provisions that prohibit a governing board from entering into, or extending, a contract for transportation services provided by a common carrier or municipally owned transit system unless approved by a vote of the students.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76360 of the Education Code is amended
2 to read:
3 76360. (a) (1) The governing board of a community college
4 district may require students in attendance and employees of the
5 district to pay a fee, in an amount, not to exceed fifty dollars (\$50)
6 per semester and twenty-five dollars (\$25) per intersession, to be

1 established by the board, for parking services. ~~The board may~~
2 ~~require only the students and employees using parking services to~~
3 ~~pay the fee~~ *fee shall only be required of students and employees*
4 *using parking services*, and the fee shall not exceed the actual cost
5 of providing parking services.

6 (2) To encourage ridesharing and carpooling, for a student who
7 certifies, in accordance with procedures established by the board,
8 that he or she regularly has two or more passengers commuting to
9 the community college with him or her in the vehicle parked at
10 the community college, the fee shall not exceed thirty-five dollars
11 (\$35) per semester and fifteen dollars (\$15) per intersession.

12 (3) Notwithstanding paragraphs (1) and (2), in any fiscal year,
13 the governing board of a community college district may increase
14 a fee authorized by this subdivision by *up to* the same percentage
15 as the increase in the Implicit Price Deflator for State and Local
16 Government Purchases of Goods and Services published by the
17 United States Department of Commerce *between January 1, 2011,*
18 *and the operative date of a proposed increase in this fee.*

19 (b) (1) The governing board may require payment of a parking
20 fee at a campus in excess of the limits set forth in subdivision (a)
21 for the purpose of funding the construction of on-campus parking
22 facilities if both of the following conditions exist at the campus:

23 (A) The number of full-time equivalent students (FTES) per
24 parking space on the campus exceeds the statewide average FTES
25 per parking space on community college campuses.

26 (B) The market price per square foot of land adjacent to the
27 campus exceeds the statewide average market price per square
28 foot of land adjacent to community college campuses.

29 (2) If the governing board requires payment of a parking fee in
30 excess of the limits set forth in subdivision (a), the fee shall not
31 exceed the actual cost of constructing a parking structure.

32 (c) Students who receive financial assistance pursuant to any
33 programs described in subdivision (g) of Section 76300 shall be
34 exempt from parking fees imposed pursuant to this section that
35 exceed twenty dollars (\$20) per semester.

36 (d) The governing board of a community college district may
37 also require the payment of a fee, to be established by the
38 governing board, for the use of parking services by persons other
39 than students and employees.

(e) All parking fees collected shall be deposited in the designated fund of the district in accordance with the California Community Colleges Budget and Accounting Manual, and shall be expended only for parking services or for purposes of reducing the costs to students and employees of the college of using public transportation to and from the college.

(f) Fees collected for use of parking services provided for by investment of student body funds under the authority of Section 76064 shall be deposited in a designated fund in accordance with the California Community Colleges Budget and Accounting Manual for repayment to the student organization.

(g) "Parking services," as used in this section, means the purchase, construction, and operation and maintenance of parking facilities for vehicles and motor vehicles, as defined by Sections 415 and 670 of the Vehicle Code.

SEC. 2. Section 76361 of the Education Code is repealed.

SEC. 3. Section 76361.1 of the Education Code is amended and renumbered to read:

76361. (a) The governing board of a community college district may require students in attendance and employees at a campus of the district to pay a fee for purposes of partially or fully recovering transportation costs incurred by the district or of reducing fares for services provided by common carriers or municipally owned transit systems to these students and employees.

(b) Fees authorized by subdivision (a) for transportation services may be required to be paid only by students and employees using the services, or, in the alternative, by any of the following groups of people:

(1) Upon the favorable vote of a majority of the students and a majority of the employees of a campus of the district, who voted at an election on the question of whether or not the governing board should require all students and employees at the campus to pay a fee for transportation services for a period of time to be determined by the governing board of the district, the fees may be required to be paid by all students, other than those students who are exempt from the fees pursuant to subdivision (c), and all employees of the campus of the community college district.

(2) Upon the favorable vote of a majority of the students at a campus of the district, who voted at an election on the question of whether or not the governing board should require all students to

1 pay a fee for transportation services for a period of time to be
2 determined by the governing board of the district, the fees may be
3 required to be paid by all students, other than those students who
4 are exempt from the fees pursuant to subdivision (c), at the campus
5 of the community college district. However, the employees shall
6 not be entitled to use the services.

7 (3) Upon the favorable vote of a majority of the students at a
8 campus of the district taking a specified number of course credits
9 for a specified duration, to be determined by the governing board,
10 who voted at an election on the question of whether or not the
11 governing board should require all students taking that prescribed
12 number of course credits to pay a fee for transportation services
13 for a period of time to be determined by the governing board of
14 the district, the fees may be required to be paid by those students
15 taking the prescribed number of course credits, except those
16 students who are exempt from the fees pursuant to subdivision (c),
17 at the campus of the community college district. However, the
18 employees shall not be entitled to use the services.

19 (c) If a fee is required of students for transportation services
20 pursuant to paragraph (1) or (2) of subdivision (b), the fee required
21 of a part-time student shall be a pro rata lesser amount than the
22 fee charged to full-time students, depending on the number of units
23 for which the part-time student is enrolled. Notwithstanding any
24 other law, the governing board of a community college district
25 that provides for transportation services may adopt rules and
26 regulations to exempt low-income students from this fee, or to
27 require low-income students to pay all or part of this fee.

28 (d) Notwithstanding any other law:

29 (1) An election held pursuant to this section shall be held in
30 accordance with regulations adopted by the board of governors to
31 ensure that the election is publicly noticed and that all students,
32 including full-time, part-time, evening, and weekend students,
33 have an opportunity to vote in the election.

34 (2) If the governing board of a community college district
35 decides to seek to terminate or alter the arrangements under which
36 the district receives transportation services from a common carrier
37 or municipally owned transit system, the governing board shall
38 provide at least 12 months' notice of that intention to the provider
39 of transportation services.

(e) (1) The total fees to be established periodically by the governing board pursuant to this section shall not exceed the amount necessary to reimburse the district for transportation costs incurred by the district in providing the transportation service. The sum of the fee authorized pursuant to this section for transportation services and the fee authorized pursuant to Section 76360 for parking services shall not exceed seventy dollars (\$70) per semester or thirty-five dollars (\$35) per intersession, or the proportionate equivalent for part-time enrollment.

(2) Notwithstanding paragraph (1), in any fiscal year, the governing board of a community college district may increase a fee authorized by this subdivision by *up to* the same percentage as the increase in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services published by the United States Department of Commerce *between January 1, 2011, and the operative date of a proposed increase in this fee.*

(f) The governing board of a community college district also may require the payment of a fee, to be fixed by the governing board, for the use of transportation services by persons other than students and employees.

(g) This section does not apply to, and a fee shall not be charged for, on-campus shuttles or other transportation services operated on a campus or between the campus and parking facilities owned by the district.